

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, JANE HAMILTON, SERGIO
DELEON, FLOYD J. CARRIER, ANNA
BURNS, MICHAEL MONTEZ, PENNY POPE,
OSCAR ORTIZ, KOBAYASHI, JOHN
MELLOR-CRUMLEY, JANE DOE, JOHN
DOE, LEAGUE OF UNITED LATIN
AMERICAN CITIZENS (LULAC), and
DALLAS COUNTY, TEXAS

Plaintiffs,

v.

RICK PERRY, Governor of Texas; and JOHN
STEEN, Texas Secretary of State,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS; JOHN STEEN, in his
official capacity as Texas Secretary of State; and
STEVE McCRAW, in his official capacity as
Director of the Texas Department of Public
Safety,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

UNOPPOSED MOTION TO CONSOLIDATE

Pursuant to Rule 42 of the Federal Rules of Civil Procedure and Local Rule 7.6, the
United States of America respectfully moves to consolidate *United States v. Texas*, No. 2:13-cv-
263 (S.D. Tex.) (NGR), with *Veasey v. Perry*, No. 2:13-cv-193 (S.D. Tex.) (NGR). Rule 42(a)

establishes that “[i]f actions before the court involve a common question of law or fact, the court may (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” “Rule 42(a) should be used to expedite trial and eliminate unnecessary repetition and confusion,” *Miller v. U.S. Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984), and “considerations of judicial economy strongly favor simultaneous resolution of all claims growing out of one event,” *Ikerd v. Lapworth*, 435 F.2d 197, 204 (7th Cir. 1970).

United States v. Texas is a challenge under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, to the State of Texas’s photographic voter identification law, SB 14 (2011). *See* Compl. ¶¶ 67-70 (ECF No. 1). This claim raises common questions of both law and fact with the Section 2 and Fourteenth and Fifteenth Amendment racial discrimination claims against SB 14 currently before this Court in *Veasey v. Perry*. *See* Am. Compl. (*Veasey* ECF No. 4). In light of the complexity of these common questions, consolidation would promote the “interests of efficiency and judicial economy,” *Pittman v. Mem’l Herman Healthcare*, 124 F. Supp. 2d 446, 449 (S.D. Tex. 2000), and should therefore be granted.

In addition, the United States respectfully requests that if the Court orders the consolidation of *United States v. Texas* with *Veasey v. Perry*, it also postpone the initial conference—scheduled for September 27, 2013 in the *Veasey* case—for thirty days. *See* Order for Conference (ECF No. 2). The parties to both actions anticipate that these cases will present complex discovery issues and that requiring the parties to fulfill Rule 26(f) obligations by September 6, 2013 (twenty-one days before September 27, 2013), as required by Rule 26(f)(1), would unduly burden the parties and would not allow the parties to be as prepared as they would like to be before meeting with each other and with the court. Postponing the initial conference

would allow all the parties (the United States, the *Veasey* plaintiffs, and the State defendants) to engage in a comprehensive Rule 26(f) conference and develop a coordinated discovery plan in advance of the conference with the court. The United States also agrees that if these actions are consolidated, it will consent to an extension of the defendants' deadline to file a responsive pleading in *United States v. Texas* until October 25, the date that a responsive pleading is due in *Veasey*, to promote efficient and coordinated adjudication of these actions.

Pursuant to Local Rule 7.2, counsel for the United States has conferred with counsel for the State of Texas and for the *Veasey* plaintiffs. This motion is unopposed.

Date: August 30, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I served a true and correct copy of the foregoing via the Court's ECF system on the following counsel of record:

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I also certify that upon filing, I will immediately serve a true and correct copy of the foregoing via e-mail on the following counsel who have not yet appeared:

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